

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IBM CORPORATION,

Plaintiff,

v.

MICRO FOCUS INTERNATIONAL PLC,
and MICRO FOCUS (US), INC.,

Defendants.

Civil Action No. 22-cv-9910

**NOTICE OF MOTION TO
DISMISS COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and sworn declaration in support of this Motion to Dismiss, Defendant Micro Focus International Plc hereby makes a limited appearance for the purpose of challenging jurisdiction, and Micro Focus (US), Inc. through their attorneys, will move this Honorable Court at the United States Courthouse, 300 Quarropas St., Room 630, White Plains, NY 10601, on such a date and time as the Court sets, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) dismissing the Complaint with prejudice, together with all other further relief that this Court deems just and proper.

Respectfully submitted,

Dated: December 14, 2022

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**Pro Hac Vice Motion pending*

*Attorneys for Micro Focus International Plc,
and Micro Focus (US), Inc.*

CERTIFICATE OF SERVICE

I certify that on December 14, 2022, a true and correct copy of the foregoing Defendants' Motion to Dismiss and all documents accompanying and supporting said motion were filed with the Clerk of Court for the U.S. District Court for the Southern District of New York using the electronic case filing ("ECF") system, which will send a notice of electronic filing concerning the same to Plaintiff's counsel of record.

/s/Marcella Ballard